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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

ORACLE USA, INC., a Colorado
 corporation; ORACLE AMERICA, INC., a
 Delaware corporation; and ORACLE
 INTERNATIONAL CORPORATION, a
 California corporation,

Plaintiffs,

v.

RIMINI STREET, INC., a Nevada
 corporation; and SETH RAVIN, an
 individual,

Defendants.

CASE NO. 2:10-cv-00106-LRH-VCF

**RIMINI STREET, INC.'S
 MEMORANDUM OF POINTS AND
 AUTHORITIES RE: ORACLE'S
 MOTION TO SEAL PORTIONS OF
 ORACLE'S REPLY IN SUPPORT OF
 MOTION TO COMPEL RE POST-
 INJUNCTION REQUESTS FOR
 PRODUCTION AND PORTIONS OF
 THE DECLARATION OF JENNA K.
 STOKES AND EXHIBITS THERETO**

MEMORANDUM OF POINTS AND AUTHORITIES

Defendant Rimini Street, Inc. (“Rimini”) submits this Memorandum of Points and Authorities re: Oracle’s Motion to Seal Portions of Oracle’s Reply in Support of Motion to Compel re Post-Injunction Requests for Production (“Oracle’s Reply”) and Portions of the Declaration of Jenna K. Stokes (“Stokes Declaration”) and Exhibits Thereto. *See* ECF No. 1247. This Court has regularly granted motions to file under seal similar information, both in *Rimini I*—including in this post-trial proceeding—and *Rimini II*. *See, e.g.*, ECF Nos. 226, 325, 518, 904, 990, 1107, 1228; *see also Rimini II*, Case No. 2:14-cv-1699, ECF Nos. 127, 137, 222, 280–282, 287, 333–334, 371, 391, 434–436, 602, 625–628, 760–768, 836–849, 1122, 1191. Certain portions of Oracle’s Reply, the Stokes Declaration, and Exhibits 1, 3, 4, 5, and 7 thereto contain information Rimini has designated as “Confidential Information” or “Highly Confidential Information – Attorneys’ Eyes Only” pursuant to the Stipulated Protective Order governing confidentiality of documents entered by the Court on May 21, 2010, ECF No. 55 (“Protective Order”), and Rules 5.2 and 26(c) of the Federal Rules of Civil Procedure. Good cause exists to seal the documents in question because they contain highly confidential information about Rimini’s proprietary processes.

I. ARGUMENT

Federal Rule of Civil Procedure 26(c) provides broad discretion for a trial court to permit sealing of court documents for, inter alia, the protection of “a trade secret or other confidential research, development, or commercial information.” Fed. R. Civ. P. 26(c). Rimini has designated as confidential certain documents filed in support of Oracle’s Reply because they contain confidential information about Rimini’s proprietary processes.

A. Highly Confidential Information About Rimini’s Proprietary Processes

Rimini moves to seal proprietary information regarding the ways in which Rimini provides services to its clients and runs its business operations. This information is reflected in portions of Oracle’s Reply, the Stokes Declaration, and Exhibits 1, 3, 4, 5, and 7 thereto.

1 Exhibits 1, 3, and 7 contain detailed information about Rimini's proprietary technical
2 processes and policies. Rimini designated each of these documents as highly confidential.
3 Under the Protective Order, "all non-public information" regarding "business plans" or
4 "proprietary technical information and specifications" are properly designated confidential, and
5 "extremely sensitive . . . non-public information" including trade secrets are properly
6 designated as highly confidential. Exhibits 4 and 5 also contain information regarding Rimini's
7 proprietary technical support processes. Disclosure of this information, whether in the exhibits
8 themselves, or in the portion of Oracle's Motion or the Stokes Declaration discussing the
9 exhibits, would advantage Rimini's competitors by giving them access to trade secrets that
10 would allow them to adopt methods that have made Rimini successful, and more easily allow
11 them to compete in the third-party software service marketplace. *See Hologram USA, Inc. v.*
12 *Pulse Evolution Corp.*, 2015 WL 105793, at *2 (D. Nev. Jan. 7, 2015) (granting motion to seal
13 where documents "contain[ed] information that could injure Plaintiffs' competitive posture in
14 the . . . industry"); *Spectrum Pharm. Inc. v. Sandoz Inc.*, 2014 WL 4202540, at *2 (D. Nev.
15 Aug. 21, 2014) (granting motion to seal where documents contained "proprietary, business
16 practice, trade secret, and technical information that could injure the parties' competitive
17 posture"); *Clark v. Metro. Life Ins. Co.*, 2010 WL 1006823, at *1 (D. Nev. Mar. 16, 2010)
18 (granting motion to seal materials that would "bring attention to MetLife's confidential internal
19 business deliberations, organization, and capabilities").

20 This Court has previously granted motions to file under seal portions of documents
21 containing this type of confidential information. *See, e.g.*, ECF Nos. 226, 325, 518, 904, 990,
22 1107, 1228; *see also Rimini II*, Case No. 2:14-cv-1699, ECF No. 627. Sealing references to
23 Rimini's proprietary information will not frustrate the public's visibility into the judicial
24 process because Rimini requests the targeted sealing of particularly sensitive information and
25 leaves all other documents unsealed.

II. CONCLUSION

For the foregoing reasons, Rimini respectfully requests that the Court grant leave to file under seal certain portions of Oracle's Reply, the Stokes Declaration, and Exhibits 1, 3, 4, 5, and 7 thereto.

Dated: September 9, 2019

GIBSON, DUNN & CRUTCHER LLP

By: /s/ Eric D. Vandavelde
Eric D. Vandavelde

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Rimini Street, Inc., and Seth Ravin*

CERTIFICATE OF SERVICE

I hereby certify that on this date, I caused to be electronically uploaded a true and correct copy in Adobe “pdf” format of the above document to the United States District Court’s Case Management and Electronic Case Filing (CM/ECF) system. After the electronic filing of a document, service is deemed complete upon transmission of the Notice of Electronic Filing (“NEF”) to the registered CM/ECF users. All counsel of record are registered users.

Dated: September 9, 2019

GIBSON, DUNN & CRUTCHER LLP

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